

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC. CIVIL APPLN.(CONTEMPT PETITION) No 1458 of 1993

For Approval and Signature:

Hon'ble MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE D.H.WAGHELA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

MANUBHIA AMBALAL SHARMA

Versus

V J DAVE PRIMARY SCHOOL

Appearance:

MR VH DESAI for Petitioners - ABSENT
MR AM RAVAL for Respondent No. 1
NOTICE SERVED for Respondent No. 2

CORAM : MR.JUSTICE R.K.ABICHANDANI and
MR.JUSTICE D.H.WAGHELA

Date of decision: 20/09/1999

ORAL JUDGEMENT (Per R.K.Abichandani,J.)

The grievance of the applicants was that the respondents did not comply with the award of the Gujarat Primary Education Tribunal at Annexure "A" to the

petition. The Tribunal, while allowing the application of the present applicants, had directed the opponent School to reinstate them with full backwages with effect from 1st July, 1987. The arrears of difference in salary and backwages was to be paid within one month from the receipt of the award made by the Tribunal.

In their affidavit dated 5th July, 1999, it has been stated on behalf of the respondent while tendering an apology, that the managing trustee V.J Dave had passed away on 7th April, 1996 and that the deponent was in-charge of the primary section of the school. It is stated that a sum of Rs. 35,000 was already paid as narrated in paragraph 2 of the affidavit and an amount of Rs. 1500 was deposited for two months salary as mentioned therein. It is stated that nearly 40 per cent of the backwages have already been paid and the school is not in a position to pay the balance amount because of its weak financial condition. The calculation of the backwages are shown in Annexure "A" to the affidavit. As recorded in the order dated 15.6.1999, it was stated by the learned Counsel for the respondents that the applicants were already reinstated. It therefore, would appear that the respondents have shown their bonafides by reinstating the applicants as directed in the award and making them payment to the extent that they could, having regard to the financial condition of the school. If any amount due under the award remains outstanding, the applicants will execute the award and recover it. From the details given in the affidavit-in-reply, it appears to us that there is no wilful disobedience of the award made by the Tribunal. This application is therefore, rejected. Rule is discharged with no order as to costs.

*/Mohandas